
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 01APX-09
<input checked="" type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Date Issued</u> December 2001

Subject:**Appendix – Child Care: 2001 Chaptered Legislation and Implementation**

(Appendix Tab A – Child Care Centers & Family Child Care Homes)

Reason For Change:

This transmits summaries of legislation chaptered in 2001 affecting Child Care Centers and Family Child Care Homes. The summaries are divided into three sections as follows:

- I. Immediate Action Required – Interim instructions are provided.
- II. No action pending regulations or further instruction.
- III. Information Only – No action a required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2002, unless otherwise specified.

Filing Instructions:

☐ REMOVE -

☒ INSERT - The attached pages into Appendix A. Do not remove similar documents from previous years.

Approved:

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SUMMARY AND IMPLEMENTATION PLANS 2001 CHAPTERED LEGISLATION

CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES

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NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTION

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Unless otherwise noted, all new legislation becomes effective on January 1, 2002.

When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

SB 819 (JOHNSON), CHAPTER 378, STATUTES OF 2001

Affects: Child Care Centers and Family Child Care Homes

Subject: Child Care Facilities; Child Injury/Death – Reopen Investigations

Summary: SB 819 adds Section 1596.8866 to the Health and Safety Code. This Section requires the Community Care Licensing Division to reopen an investigation when a certified copy of a court record is received in which a judge has determined that a child may have been injured or endangered while in a licensed child care setting. This bill does not prohibit the Community Care Licensing Division from reopening investigations for reasons other than those specified in Section 1596.8866. Additionally, the Community Care Licensing Division is required to provide a copy of the court record to the local child protective services agency in the county where the incident occurred.

Implementation: The Community Care Licensing Division considers any new evidence, even after a complaint or an investigation is deemed closed. Licensing Program Supervisors will ensure that an assessment of new or additional information received is conducted, and will make a case by case decision based on that assessment as to whether the investigation should be reopened. As part of their assessment of the new evidence, Supervisors may consult with Program Office Investigators and Legal staff as needed.

As mandated reporters of suspected child abuse, staff currently cross report suspected or substantiated abuse to the local child protective services agency and other entities. As provided in SB 819, when additional information is received from the court, the licensing office will also ensure that the local child protective services agency receives a copy of the certified court record.

ACTION REQUIRED

SB 42 (SPEIER), CHAPTER 84, STATUTES OF 2001

Affects: Child Care Centers/Parents

Subject: Child Car Seat Law

Summary: SB 42 was enacted as urgency legislation to make a technical, conforming change to SB 567 (Speier), Chapter 657, Statutes of 2000. SB 567, which becomes operative January 1, 2002, requires children to be transported in an appropriate passenger restraint system (car seat) unless the child is one of the following: 1) Six years of age or older; OR 2) Weighs 60 pounds or more. The 2000 Chaptered Legislation and Implementation Report included instructions for complying with SB 567.

Child care centers continue to be required to post signs informing parents of the current car seat law. The licensing publication PUB 269 (Car Seat Law Poster) has been revised to reflect the current requirements and is included as Attachment 1. It is also available on the CDSS Internet.

Implementation: Effective January 1, 2002, if the child care center licensee has not posted the revised PUB 269, they should be informed by Advisory Note that the PUB 269 has been revised and that the new poster is available on the Internet. No citation should be issued. If the center remains out of compliance at the time of the next facility visit, a citation should be issued.

NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTION

AB 685 (WAYNE), CHAPTER 679, STATUTES OF 2001

Affects: Family Child Care Homes

Subject: Reporting Requirements For Family Child Care Homes

Summary: AB 685 adds Section 1597.467 to the Health and Safety Code which requires Family Child Care Home licensees to report to the licensing office and to the parents or guardians of children in care the following:

1. The death of any child from any cause
2. Any injury to any child that requires medical treatment
3. Any unusual incident or child absence that threatens the physical or emotional health or safety of a child

The licensee is required to report the specified incidents by telephone or fax to the licensing office by the close of business the next working day following any such occurrences. Additionally, a written report must be submitted to the licensing office within seven calendar days. The written report must contain the following information:

1. Child's name, age, sex and date of admission
2. Date and nature of event
3. Attending physician's name, finding and treatment (if any)
4. Disposition of the case

Failure by the licensee to meet these reporting requirements may be grounds for suspension of the license.

AB 685 also requires Community Care Licensing Division to maintain the reports in a manner that allows the department to report the data to the legislature.

Implementation: The Department is reviewing this legislation to develop comprehensive instructions for the new reporting requirements. Implementation is delayed until the instructions are issued. An All Family Child Care Home Licensee letter will be issued transmitting the reporting form with instructions as to how and when to report incidents to the Child Care Licensing Regional Offices.

INFORMATION ONLY – NO ACTION REQUIRED

AB 6 (CARDENAS), CHAPTER 545, STATUTES OF 2001

Affects: Local Schools and Communities

Subject: Before and After School Programs

Summary: Current law establishes the After School and Safe Neighborhood Partnership Programs administered by the California Department of Education to create incentives for establishing after school enrichment programs. These programs are license-exempt and are allowed to operate up to 20 hours per week.

AB 6 amends Sections 8482, 8483 and 8484 of the Education Code to permit schools to establish before and after school programs. The name is now changed to the Before and After School and Safe Neighborhood Partnership Programs. The programs remain license-exempt and are now allowed to operate up to 30 hours per week. These programs operate at elementary, middle, junior high and charter school sites. Operators of these programs may include a local education agency, a city or county and nonprofit organizations in partnership with and the approval of the local education agency. Before and After School and Safe Neighborhood Partnership Programs operate with a grant from the California Department of Education and shall provide at least 50% cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector. Programs are subject to annual reporting and recertification by California Department of Education.

AB 188 (VARGAS), CHAPTER 150, STATUTES OF 2001

Affects: Public Playgrounds and Day Care Centers

Subject: Playgrounds and Smoking

Summary: Current law prohibits smoking on the premises of a licensed child care center and in family child care homes during the hours of operation as a licensed facility. Current law also prohibits smoking in areas of the home where children are present.

AB 188 prohibits smoking within the boundaries of a public playground; including a playground on a licensed child care center. This bill defines playgrounds and tot sandbox areas in public parks. It does not affect family child care homes because it does not apply to private property.

SB 255 (SPEIER), CHAPTER 855, STATUTES OF 2001

Affects: All licensing categories.

Subject: Crimes: Unattended Children in Vehicles

Summary: SB 255 adds Division 6.7. "Unattended Child in Motor Vehicle Safety Act" to the Vehicle Code. This Division is known as the "Kaitlyn's Law." Any parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave the child inside a motor vehicle without the supervision of a person who is 12 years of age or older, under the following circumstances:

1. Where there are conditions that present a significant risk to the child's health or safety;
2. When the vehicle's engine is running or the vehicle's keys are in the ignition or both.

This is a violation and is punishable by a fine of \$100. The court may require attendance of an educational program on the dangers of leaving young children unattended in motor vehicles.

Implementation: Information only, no additional action required.

Licensing Program Analysts should apply current practices and cite for lack of supervision if they find a child left unattended.

AB 297 (KEHOE), CHAPTER 453, STATUTES OF 2001

Affects: Local Schools and Communities

Subject: Before and After School Programs

Summary: In addition to the After School and Safe Neighborhood Partnership Programs administered by the California Department of Education, current law allows San Diego County to operate before and after school programs which are locally funded. The “6 to 6” programs operate license-exempt for up to 20 hours per week until January 1, 2002.

AB 297 amends Sections 8488 and 8489 of the Education Code which permits the “6 to 6” programs to operate license-exempt before and after school programs for up to 30 hours per week until January 1, 2005. Additionally, this law permits the “6 to 6” programs to expand statewide. “6 to 6” programs can operate at elementary, middle, junior high and charter school sites. Programs may be operated by a local education agency, or a city or county in partnership with a community based organization with the approval of a local education agency.

AB 297 requires that a formal complaint process be posted at each school site. The City or County annually reviews the program. The program shall provide annual reports to the school district and superintendent of schools, as well as the Education and Human Services Committees of the Legislature.

AB 866 (DIAZ), CHAPTER 650, STATUES OF 2001

Affects: Child Care Providers

Subject: Child Care Tax Credits

Summary: The existing Personal Income Tax and Bank and Corporation Tax Law provide tax credits for startup expenses for child care programs or constructing a child care facility, costs for child care information and referral services, and costs paid for incurred for contributions to a qualified care plan. Under existing law these credits are only available for certain taxable years beginning before 1/1/03. This bill applies the credits to taxable years beginning before 1/1/07.